

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-9386-2024
Date of Decision:04.04.2024
.....Petitioner

MANJEET SINGH

Vs.

STATE OF PUNJABRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vishal Garg Narwana, Advocate with
Mr. Vazir Singh Mor, Advocate and
Mr. Mukul Ahuja, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab
assisted by HC Gurcharan Singh.

Mr. Sourabh Singh, Advocate for the complainant.

DEEPAK GUPTA, J.(ORAL)

On 22.02.2024, following order was passed:

“By way of present petition filed under Section 438 Cr.P.C., petitioner prays for grant of anticipatory bail in a case arising out of FIR No.10 dated 03.02.2024, under Sections 406, 420 and 506 of IPC, registered at Police Station City Samana, District Patiala.

FIR was lodged on the complaint of Darshan Kumar S/o Krishan Chand, as per which petitioner – Manjit Singh had agreed to sell his 16 marlas of land vide agreement to sell dated 12.07.2021 @ ₹4,550/- per square yard and received an amount of ₹11 lacs as earnest money. Sale deed was not executed. Later on, complainant came to know that petitioner was not even owner of the land in question and thus complainant had been defrauded.

Learned counsel for the petitioner contends that petitioner has been falsely implicated by lodging FIR after more than 02 years and 02 months from the date of agreement. Necessary

inquiry was earlier conducted by the Superintendent of Police (Operation), Patiala and it was found that the petitioner had earlier entered into an agreement with one Binder Singh S/o Kashmir Singh in the year 2021 @ ₹4,200/- per square yard and had paid an amount of ₹8 lacs to him. The date of the registration of the sale deed was 30.11.2021. During this period, petitioner further entered into agreement in respect of the same plot with the complainant Darshan Kumar and obtained ₹11 lacs. As Binder Singh did not execute the sale deed in favour of the petitioner, he filed a civil suit for specific performance. Learned counsel for the petitioner contends further that the Superintendent of Police, Patiala, after concluding the inquiry found the matter to be of civil nature. Learned counsel also submits that the suit for possession by way of specific performance filed by the petitioner against Binder Singh has since been decreed and that as soon as the sale deed is executed in favour of the petitioner in the execution to be filed by him, he shall execute the sale deed in favour of the complainant.

Notice of motion.

Mr. Amandeep Singh, DAG, Punjab accepts notice on behalf of respondent-State. Power of attorney has been filed on behalf of the complainant by Mr. Sourabh Singla, Advocate. Copy of paper book be supplied to them during the course of day.

Learned counsel for the complainant has opposed the petition for anticipatory bail by submitting that despite being not the owner of the land, petitioner agreed to sell the same to the complainant and thus cheated him. However, learned counsel for the complainant was at loss of words, when it was specifically asked from him as to whether the complainant agreed to purchase the land without looking into title documents of the petitioner.

Let status report be filed on 04.04.2024.

In the meantime, petitioner is directed to join investigation and co-operate in the same. He will not leave the country without prior permission of the Court nor shall make any

attempt to contact the complainant of the case or any witness associated with the case. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.”

Today learned State counsel, on instructions from HC Gurcharan Singh submits that petitioner has since joined the investigation and is not required for custodial interrogation.

Having regard to the aforesaid facts and circumstances, but without commenting anything further on the merits of the case order dated 22.02.2024 is hereby made absolute, whereby petitioner was granted interim anticipatory bail.

However, the petitioner shall continue to join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

04.04.2024
pry

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No